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5 Attorneys for Defendant  
JAYHAWK CAPITAL MANAGEMENT, LLC;  
6 JAYHAWK CHINA FUND (CAYMUN), LTD.;  
JAYHAWK INVESTMENTS, LP; JAYHAWK  
7 INSTITUTIONAL PARTNERS, LP; KENT C.  
MCCARTHY  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION  
12

13 PRIMARIUS CAPITAL, LLC;  
PRIMARIUS CHINA FUND, LP;  
14 PRIMARIUS FOCUS, LP; PRIMARIUS  
PARTNERS, LP; and PRIMARIUS  
15 OFFSHORE PARTNERS LTD.,

16 Plaintiffs,

17 v.

18 JAYHAWK CAPITAL MANAGEMENT,  
LLC; JAYHAWK CHINA FUND  
19 (CAYMUN), LTD.; JAYHAWK  
INVESTMENTS, LP; JAYHAWK  
20 INSTITUTIONAL PARTNERS, LP;  
KENT C. MCCARTHY AND DOES 1  
21 through 100, inclusive,

22 Defendants.  
23

Case No. C 07-01804-CW

**STIPULATION AND ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

24 **RECITALS**

25 WHEREAS, Plaintiffs filed their Complaint and demand for jury trial on March 30, 2007,  
26 and filed their Amended Complaint on June 11, 2007.

27 WHEREAS, on September 27, 2007, Plaintiffs and Defendants agreed to submit their  
28 claims and counterclaims to binding arbitration under the auspices of Judicial Arbitration and

1 Mediation Services, Inc. ("JAMS"), and requested that the Court stay this action and take all  
2 motions and dates off calendar.

3 WHEREAS, on October 3, 2007, the Court entered an order staying this action pending  
4 arbitration, denying pending motions without prejudice, and scheduling the Case Management  
5 Conference for January 29, 2008 at 2:00 p.m.

6 WHEREAS, the parties have commenced arbitration before JAMS, with a hearing  
7 scheduled for the weeks of September 8 and 15, 2008.

8 WHEREAS, the parties have conferred and reached agreement that the Case Management  
9 Conference should be continued until after the arbitration hearing is held and the arbitration panel  
10 issues an award.

11 **STIPULATION**

12 Plaintiffs, through their attorneys of record, and Defendants, through their attorneys of  
13 record, hereby stipulate that the Case Management Conference should be continued until after the  
14 arbitration hearing is held and the arbitration panel issues an award.

1 Dated: January 29, 2008

KIRKLAND & ELLIS LLP

2  
3 By: /s Eliot A. Adelson

4 Eliot A. Adelson  
Attorneys for Defendants  
JAYHAWK CAPITAL MANAGEMENT,  
5 LLC; JAYHAWK CHINA FUND  
(CAYMUN), LTD.; JAYHAWK  
6 INVESTMENTS, LP; JAYHAWK  
7 INSTITUTIONAL PARTNERS, LP;  
KENT C. MCCARTHY

8 Dated: January 29, 2008

FAGELBAUM & HELLER LLP

9  
10 By: /s Philip Heller, PLC

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14 PRIMARIUS CAPITAL, LLC;  
PRIMARIUS CHINA FUND, LP;  
15 PRIMARIUS FOCUS, LP; PRIMARIUS  
16 PARTNERS, LP; and PRIMARIUS  
OFFSHORE PARTNERS LTD.

**DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

I, ELIOT ADELSON, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed above and below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on January 29, 2008, in San Francisco, California.

/s Eliot A. Adelson  
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**ORDER**

PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

The Case Management Conference shall be continued until after the September 2008 arbitration hearing is held and the arbitration panel issues an award, but not later than **October 21, 2008, at 2:00 p.m.** If an award has not yet issued, counsel may stipulate to continue the Case Management Conference.

DATED: January 29, 2008



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Hon. Claudia Wilken  
United States District Judge